

REMARKS

Reconsideration and allowance of this application are respectfully requested in view of the discussion below.

Claims 45-66 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite with respect to particularly claims 45, 48, and 54-55. In response to this rejection, Applicant has amended claims 54 and 55 as required but respectfully submit that independent claim 45 and dependent claim 48 are fully supported by the originally filed specification and are consistent with the drawings.

Applicant's invention involves a tubular casing structure shown in, for example, Figure 3, wherein circumferential threads 16 extend around a periphery of the tubular casing and are spaced at intervals along the tubular casing. The circumferential threads have a construction shown in Figure 1 with an elastic thread 11 in combination with a yarn 12 wrapped around and along a length of the elastic thread. The limited number of turns of the yarn 12 are provided around the thread for a given length of the thread in order for the circumferential threads to become taut after a predetermined amount of stretching as shown in Figure 2. Figure 2 also shows that the yarn is straighten to an extent where the yarn resist tensile force so that the circumferential threads can no longer be extended. This elastic limit is discussed in the originally filed specification at the bottom of page 5 and the top of page 6. Furthermore, the discussion of Figures 3 and 4 at page 7 clearly indicates that

these threads 16 comprise the elastic thread 10 having the elastic limit of stretch.

Therefore, it is submitted that claim 45 is fully consistent with the originally filed specification and meets the requirements of 35 U.S.C. 112.

Claim 48 has been rejected because the term "tubular fibrous casing located within an co-extensive with said tubular net" is deemed to be vague indefinite. Applicant respectfully submits that the specification and the drawings clearly indicated that the fibrous casing 20 is located within the tubular net 19 and shares the same axis. Thus, it is submitted that claim 48 meets the requirements of 35 U.S.C. 112.

Claims 45-52, 54-58 and 63-66 have been rejected under 35 U.S.C. 102 as anticipated by the reference to Mintz et al., U.S. Patent No. 5,413,418 while claims 53 and 59-62 have been rejected under 35 U.S.C. 103 as unpatentable over Mintz '148 in view of Mintz, U.S. Patent No. 5,855,231 as detailed at item 7 on page 5 of the Office Action.

Applicant respectfully traverse this rejection on the grounds of independent claim 45 provides a structure which as a whole is not shown or disclosed or made obvious by the references of record or any combination of the references of record which would be obvious to one of ordinary skill in the art.

The reference to Mintz '148 has been cited for disclosing "an elastic threading combination with the yarn wrapped around and along the length of the elastic thread wherein an unlimited number of turns of said yarn are provided around the elastic thread for a given length of the circumferential threads." Reference is made in the Office Action to column 4, lines 32-34 of

Mintz '148, for such a showing. Applicant submits that there is no such statement in the specification. (The reference to Mintz '148 refers to only the use of either elasticised or non-elasticised yarn. The non-elasticised yarn simply includes synthetic thread which has no stretch capability. Any stretch capability in a knitted product disclosed in Mintz '148 is brought about only due to the stretchability in the resultant knitted product. (The reference to elasticised yarn does not disclose or described the claimed invention with yarn wrapped around elastic thread. It is submitted that the disclosure of Mintz is referring to either a single strand of rubber which can be knit into a structure or a single strand of rubber that is wrapped by two opposing wound threads. That is, a first thread is wrapped around the elastic thread in one direction and the second thread is wrapped so as to overlay the first wrapping but is wrapped in the opposite direction. The rate of wrapping of the threads around the rubber strand is such that the elasticity of the rubber strand is not limited by the outer wrapping.

This is in direct contrast to Applicant's claimed invention defined by independent claim 45 and shown in Figure 1 and 2 of the specification.

With respect to the rejection of claim 46, Mintz discloses only an entirely knit structure. In other words, the longitudinal and circumferential threads are knitted within the structure of the stockinette. In contrast, Applicant's invention, as shown in Figure 3, provides that the circumferential elastic members reside on the outer surface of the stockinette together with the longitudinal members which include loop stitches extending between the circumferential members.

As a further illustration, if any one of the threads shown in Mintz '148 were to be cut, then the whole structure including the stockinette and longitudinal members would unravel which is contrary to the claimed invention defined by claim 46 so that it is not only the structure that is different but the operation of the structure.

Applicant's also submit that claim 54, 55, 57 and 64-66, which depend from independent claim 45, provide further structure not shown or disclosed by Mintz '148. With the respect to the rejection of claims 53 and 59-62 as unpatentable over the combination of Mintz 148 and Mintz '231 under 35 U.S.C. 103, Applicant wishes to draw attention to the statement of the rejection wherein the reference to Mintz '231 is cited for teaching fibrous casing having at least one pleat and reference being made to item 44 in Figure 7. Applicant submits that item 44 is referred to ripples (column 6, line 59) that are caused by longitudinally spaced helical threads compressing the meat product about the threads in order to cause bulges or ripples between the threads. The is clearly not the pleating contemplated by the present invention and furthermore, these claims depend from and contain all of the limitations of independent claim 45. The secondary reference to Mintz '231 adds nothing meeting the claim limitation of independent claim 45.

Therefore, in view of the sufficiency of the claims to meet the requirements of 35 U.S.C. 112 and in view of the distinguishing features between the claimed invention and the references which features are not shown or disclosed or made obvious by the references or any combination of the references, Applicant

respectfully requests that this application containing claims 45-66 be allowed and be passed to issue.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #2217/50147).

Respectfully submitted,

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Jeffrey D. Sanok

Registration No. 32,169

Vincent J. Sunderdick

Registration No. 29,004

CROWELL & MORING, LLP
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844
JDS/VJS/leb